

thickness of the layer of germanium, the applied electric bias, and the elevated temperature.

42. (New) The method as claimed in claim 26, wherein the at least one dielectric layer comprises a plurality of dielectric layers.

43. (New) The method as claimed in claim 32, wherein the at least one dielectric layer comprises a plurality of dielectric layers.

#### REMARKS

Currently pending claims 3-6, 8, 11-12, 14, 19-21, 26-28, 30, and 32-43 are for consideration by the Examiner. Claims 33-43 are new. Claims 12 and 20 were amended prior to the present office action response. Claims 3-6, 8, 11, 14, 19, 21, 26, 28, 30, and 32 are amended herein.

The Examiner rejected claims 3-6, 19-21, 26-28 and 32 under 35 U.S.C. §103(a) as being unpatentable over Koch et al. (U.S. 5,413,884) in view of Angelopoulos et al. (6,316,167B1) and Howe et al. (U.S. 6,210,988).

The Examiner rejected claims 8 and 30 under 35 U.S.C. §103(a) as being unpatentable over Koch et al. (U.S. 5,413,884) in view of Angelopoulos et al. (6,316,167B1) and Howe et al. (U.S. 6,210,988) as applied to claims 3-6, 19-21, 26-28 and 32 above, and further in view of Cho et al. (U.S. 6,074,930).

The Examiner rejected claims 11, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Koch et al. (U.S. 5,413,884) in view of Angelopoulos et al. (6,316,167B1) and

Cho et al. (U.S. 6,074,930) and Howe et al. (U.S. 6,210,988).

Applicants respectfully traverse the §103(a) rejections with the following arguments.

**35 U.S.C. § 103(a)**

Applicants respectfully contend that independent claims 3, 19, 26, and 32 are not unpatentable over Koch in view of Angelopoulos and Howe, because Koch in view of Angelopoulos and Howe does not teach or suggest each and every feature of independent claims 3, 19, 26, and 32. For example, Koch in view of Angelopoulos and Howe does not teach or suggest “depositing a photo resist layer over the layer of germanium” and “exposing the photo resist layer to light and developing the exposed photo resist layer to form a photolithography image”. The Examiner alleges that Koch teaches “depositing a photo resist layer (46) over the layer of metallic germanium (44), exposing and developing the photo resist layer (46) to form a photolithography image 50”. Applicants contend, however, that layer 46 in Koch is not a photo resist layer as is required by claims 3, 19, 26, and 32, but is instead an electron-beam sensitive resist (see Koch, col. 5, lines 44-45). Applicants further contend that the layer 46 in Koch is not exposed to light as is required by claims 3, 19, 26, and 32, but is instead exposed to an electron beam (see Koch, col. 5, lines 26-29; 46-48).

Based on the preceding arguments, Applicants respectfully maintain that independent claims 3, 19, 26, and 32 are not unpatentable over Koch in view of Angelopoulos and Howe, and that claims 3, 19, 26, and 32 are in condition for allowance. Since claims 4-6, 8, and 33-35 depend from claim 3, Applicants contend that claims 4-6, 8, and 33-35 are likewise in condition for allowance. Since claims 20-21 and 39 depend from claim 19, Applicants contend that claims

20-21 and 39 are likewise in condition for allowance. Since claims 27-28, 30, and 40-42 depend from claim 26, Applicants contend that claims 27-28, 30, and 40-42 are likewise in condition for allowance. Since claim 43 depends from claim 32, Applicants contend that claim 43 is likewise in condition for allowance.

Applicants respectfully contend that independent claim 11 is not unpatentable over Koch in view of Angelopoulos and Cho and Howe, because Koch in view of Angelopoulos and Cho and Howe does not teach or suggest each and every feature of independent claim 11. For example, Koch in view of Angelopoulos and Cho and Howe does not teach or suggest “depositing a photo resist layer over the metallic germanium layer” and “exposing the photo resist layer to light and developing the exposed photo resist layer to form a photolithography image”. The Examiner alleges that Koch teaches “depositing a photo resist layer (46) over the layer of metallic germanium (44), exposing and developing the photo resist layer (46) to form a photolithography image (50)”. Applicants contend, however, that layer 46 in Koch is not a photo resist layer as is required by claim 11, but is instead an electron-beam sensitive resist (see Koch, col. 5, lines 44-45). Applicants further contend that the layer 46 in Koch is not exposed to light as is required by claim 11, but is instead exposed to an electron beam (see Koch, col. 5, lines 26-29; 46-48).

Based on the preceding arguments, Applicants respectfully maintain that independent claim 11 is not unpatentable over Koch in view of Angelopoulos and Cho and Howe, and that claim 11 is in condition for allowance. Since claims 12, 14, and 36-38 depend from claim 11, Applicants contend that claims 12, 14, and 36-38 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance, and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below.

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